

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
December 5, 2007

CALL TO ORDER: Commissioner Lowery called the meeting to order at 3:05 p.m. The following members of the Commission, constituting a quorum, were present: Willie Brooks, George Brown Jr., Marsha Campbell, Sylvia Cox, Janis Fullilove, Myron Lowery and Sharon Webb.

Others in attendance included: Ricky E. Wilkins, The Law Offices of Ricky E. Wilkins; Steve Townsdin, City of Memphis Senior Assistant City Attorney; Bridgett Handy-Clay, City of Memphis Open Record Coordinator; Steve Mulroy, Shelby County Commission; Carol Chumney, Memphis City Council; and Joe Saino, Citizen among others.

APPROVAL OF MINUTES: Chairman Lowery noted that copies of the minutes from the Commission meeting of October 30, 2007 had been circulated prior to the meeting and asked if there were any changes or corrections. Commissioner Cox noted that on the 1st page in the 6th Chapter, on line 4, the word “federal” needed to be replaced with the word “legislative”. Commissioner Webb noted on the 3rd page in the 4th Chapter, on line 4, Commissioner Campbell needed to replace Commissioner Webb. It was noted that the changes would be made to the minutes. With no further discussion the minutes were approved.

OPENING DISCUSSION: Melissa Ashburn with MTAS presented the board with her recommendations concerning the proposed amendments to the City of Memphis Charter.

- A list of recommendations was distributed to the Board for future discussion.

- Ms. Ashburn noted the conservative approach to amending the Charter, would be to have a referendum during the November 4, 2008 state general election. However, she recommended that the Board seek an Attorney General opinion, on whether the August 7, 2008 election would qualify.

REPORT OF THE ATTORNEY: Attorney Ricky Wilkins began his report on term limits, staggered terms, ethics, and run-off elections. He suggested to the Board, that they examine the list of cities presented in his previous report to use as a model when making decisions on the above subject matters. Next, he distributed a copy of the City of Memphis and the Shelby County ethics ordinance for the Board to compare.

Commissioner Brown suggested to Mr. Wilkins that he present the Board with a chart highlighting staggered terms, term limits, ethics and any other Charter revision recommendations. He asked Mr. Wilkins to be prepared to discuss his recommendations at the January 17, 2008 meeting.

Chairman Lowery concurred with Commissioner Brown. He stated to help facilitate their vote in February on certain issues, specific recommendations are needed.

DISCUSSION AND ACTION: Commissioner Fullilove motioned to discuss whether there should be term limits for the Mayor's office and for City Council members in the general election as a referendum. The vote was seconded by Commissioner Brown.

Commissioner Brown questioned whether judiciary positions should be excluded from term limits. He noted that the individuals who hold such offices need time to become better familiar with the judiciary process. Next, he stated, if term limits are enforced on judiciary positions, there's a chance that qualified individuals will not be interested in competing for the positions.

The Chairman called for the vote and the voting was as follows:

Willie Brooks,	Aye
George Brown Jr.	Aye
Marsha Campbell,	Aye
Sylvia Cox,	Aye
Janis Fullilove	Aye
Myron Lowery	Aye
Sharon Webb	Aye

With 7 Ayes, the Commissioners voted for the concept of term limits.

NEW BUSINESS: Councilwoman Carol Chumney called the Board's attention to the Charter Home Rule Amendment, where it discusses the chain of command in the event the Mayor's office becomes vacant during a term.

She noted that the Chairman of the City Council can serve for up to 20 days and that the Council can elect an interim Mayor. If the Council does not act, then the Mayor's Chief Administrative Officer will serve. Councilwoman Chumney stated that since the Chief Administrative Officer is appointed by the Mayor and not elected, the CAO should not stand in as the Mayor. She asked the Commission to consider looking at the Tennessee Supreme Court ruling concerning the resignation of the Mayor. She recommended a special election be held within sixty days at the minimum to give voters an opportunity to elect who they want as Mayor.

Councilwoman Chumney stated she favors term limits for the Executive and City Council positions and stated there should be run-offs in municipal elections.

Chairman Lowery asked Councilwomen Chumney to provide the Board with her written comments, and specific suggestions.

PRESENTATION ON INSTANT RUN-OFF

County Commissioner Steve Mulroy thanked the Board for allowing him to present his recommendations on Instant Runoff Voting. He explained that an Instant run-off is one election. The voters rank their candidates in order of preference “1,” “2,” “3,” etc. The voter can rank as many or as few candidates as they wish. If any candidate gets a majority of the 1st place votes that candidate wins. If not, the candidate with the fewest 1st place votes is eliminated. 1st place votes for that candidate are then redistributed to the remaining candidates based on the 2nd place votes. If there is a candidate with a majority, he/she wins. If not, the next lowest candidate is eliminated, the votes are redistributed as before. The process continues, until some candidate gets a majority of the vote and is declared the winner. This counting process can be completed in a matter of hours for most cities.

He noted that Instant Runoff Voting is cheaper, has better voter turnout, solves the “spoiler problem”, elects consensus candidates, encourages positive campaigning, and makes elections more competitive.

Chairman Lowery thanked Commissioner Mulroy and City Councilwoman Chumney for their remarks.

ADJOURNMENT: There being no further business, Commissioner Lowery announced that the next meeting of the Commission would be held on January 17, 2008.

The meeting was adjourned at 4:50 p.m.

Respectfully Submitted

Bridgett Handy- Clay